

Honorable Judge Christopher M. Alston
Chapter 13
Hearing Location: Seattle
Hearing Date: January 14, 2016
Response Date: January 7, 2016
Hearing Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Jill Suzanne Weldon,

Debtor.

CASE NO.: 15-16656-CMA

CHAPTER 13

**OBJECTION TO CONFIRMATION
BY JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION**

JPMorgan Chase Bank, National Association ("Creditor"), objects to confirmation of the proposed chapter 13 plan (The "Plan") of Jill Suzanne Weldon ("Debtor" herein). The basis for this objection is that the Plan does not comply with the provisions of Title 11, chapter 13 of the United States Bankruptcy Code and thus should not be confirmed by the Court.

I. BACKGROUND

On or about December 14, 2007, Jill S. Weldon executed and delivered a note in favor of JPMorgan Chase Bank, N.A. in the original principal amount of \$228,000.00. This Note was secured by a Deed of Trust ("Deed") encumbering real property commonly described as 18501 Newport Way SE M151, Issaquah, WA 98027 ("Property"). Creditor is the holder of the note or services the note for the holder.

On November 11, 2015, Debtor filed for protection under Title 11, chapter 13 of the United States Code under cause number 15-16656-CMA in the above listed court.

The outstanding balance due on the Note as of filing is approximately \$205,061.48. As of the same date the loan is contractually due for the October 1, 2015 payment.

1 The pre-petition arrears, including payments, late charges, escrow advances and accrued
2 fees and costs are approximately \$3,936.25 as will be detailed in Creditor's filed proof of claim
3 default. The monthly payment due as of the filing date was \$1,373.43.

4 **II. ARGUMENT AND AUTHORITY**

5 Under 11 U.S.C. § 1325 (a)(1) and 1322 (b)(3) a plan must provide for the cure of an
6 existing default within a reasonable time and require the maintenance of payments while the case
7 is pending on a secured claim on which the last payment is due after the date on which the final
8 payment under the plan is due. In the case at bar, the Debtor's plan fails to provide for cure of
9 the accrued arrears.

10 **III. CONCLUSION**

11 For the reason listed above, the chapter 13 plan as proposed fails to comply with the
12 requirements of United States Code Title 11. Therefore, Creditor respectfully requests the Court
13 deny confirmation of the proposed Chapter 13 plan. If the court sustains this objection and
14 denies confirmation, Creditor respectfully requests that the Court set a deadline by which an
15 amended plan is to be filed. Creditor further requests that if the Debtor does not file the
16 Amended Plan by the date imposed by the Court, that the Trustee be permitted to submit an order
17 dismissing the bankruptcy case for failure to comply with the order of the court.

18 Dated: December 22, 2015

McCarthy & Holthus, LLP

19 /s/ Lance E. Olsen

20 Annette E. Cook, Esq. WSBA# 31450

Lance E. Olsen, Esq. WSBA# 25130

21 Attorneys for Movant

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CERTIFICATE OF SERVICE

On 12/22/2015, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by electronic means through the Court's ECF program:

TRUSTEE

K Michael Fitzgerald
courtmail@seattlech13.com

DEBTOR(S) COUNSEL

Matthew J Cunanan
matthew@dclglawyers.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Bogdan Radulescu
Bogdan Radulescu

On 12/21/2015, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by depositing true copies thereof in the United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR

Jill Suzanne Weldon, 18501 Newport Way SE M151, Issaquah, WA 98027

US TRUSTEE

700 Stewart St Ste 5103, Seattle, WA 98101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Christian Aguilar
Christian Aguilar